



To: Laura Russo

From: Mariam S. Ramos, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Hollub - Separation of Building Sites

Date: December 8, 2015

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We have reviewed the documents you provided relating to Lots 7 and 8, Block 6, Pine Bay Estates Section 2. You, on behalf of the owners, request that the Unity of Title, currently existing for these lots, be released. The unity was entered into between the owners and Miami-Dade County and was signed as a result of the owners wanting to build a tennis court on Lot 7. The tennis court does not currently exist on the lot and the owners would now like to build a home for a family member there. Pine Bay Estates was incorporated into the City of Coral Gables and according to Bruce Brockhouse, whose findings are attached, Lot 7 conforms with the Zoning requirements of Miami-Dade County at the time it was constructed and with the current Coral Gables Zoning Code, site specific requirements, in place today (which was adopted when Pine Bay Estates was incorporated into the City). Mr. Brockhouse also finds that Lot 8 does not have any encroachments from Lot 7 that would prevent it from being a buildable lot.

According to the Unity of Title (attached), "...the same may be released in writing by the Director of the Dade County Building and Zoning Department or the executive officer of the successor of such Department or, in the absence of such officer, his assistant in charge of the office in his absence." Given that the City of Coral Gables is the successor in interest of Miami-Dade County, the Director of Planning and Zoning (in substitution for the "Dade County Building and Zoning Dept.") or the City Attorney (as under the City's Zoning Code the City Attorney is designated as the official responsible for restrictive covenants) for the City of Coral Gables may release the existing Unity of Title.

Please note, this opinion is issued pursuant to section 2-702 of the Zoning Code, as well as section 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#)  
**Subject:** FW: Hollub - separation of building sites - Pine Bay Estates - former County property  
**Date:** Monday, December 07, 2015 5:42:52 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Please publish.

**Craig E. Leen, City Attorney**

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City, County and Local Government Law*  
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**From:** Leen, Craig  
**Sent:** Monday, December 07, 2015 5:42 PM  
**To:** Ramos, Miriam; 'Russo Laura'  
**Cc:** Trias, Ramon  
**Subject:** RE: Hollub - separation of building sites - Pine Bay Estates - former County property

Please note, this opinion is issued pursuant to section 2-702 of the Zoning Code, as well as section 2-201(e)(1) and (8) of the City Code.

**Craig E. Leen, City Attorney**

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**From:** Ramos, Miriam

**Sent:** Monday, December 07, 2015 4:02 PM

**To:** 'Russo Laura'

**Cc:** Leen, Craig

**Subject:** RE: Hollub - separation of building sites - Pine Bay Estates - former County property

Dear Laura,

We have reviewed the documents you provided relating to Lots 7 and 8, Block 6, Pine Bay Estates Section 2. You, on behalf of the owners, request that the Unity of Title, currently existing for these lots, be released. The unity was entered into between the owners and Miami-Dade County and was signed as a result of the owners wanting to build a tennis court on Lot 7. The tennis court does not currently exist on the lot and the owners would now like to build a home for a family member there. Pine Bay Estates was incorporated into the City of Coral Gables and according to Bruce Brockhouse, whose findings are attached, Lot 7 confirms with the Zoning requirements of Miami-Dade County at the time it was constructed and with the current Coral Gables Zoning Code, site specific requirements, in place today (which was adopted when Pine Bay Estates was incorporated into the City). Mr. Brockhouse also finds that Lot 8 does not have any encroachments from Lot 7 that would prevent it from being a buildable lot.

According to the Unity of Title (attached), "...the same may be released in writing by the Director of the Dade County Building and Zoning

Department or the executive officer of the successor of such Department or, in the absence of such officer, his assistant in charge of the office in his absence.” Given that the City of Coral Gables is the successor in interest of Miami-Dade County, the Director of Planning and Zoning (in substitution for the “Dade County Building and Zoning Dept.”) or the City Attorney (as under the City’s Zoning Code the City Attorney is designated as the official responsible for restrictive covenants) for the City of Coral Gables may release the existing Unity of Title.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code, authorizing the City Attorney’s Office to issue opinions and interpretations on behalf of the City.

Sincerely,

*Miriam S. Ramos, Esq.*

Deputy City Attorney  
City of Coral Gables  
405 Biltmore Way, 3rd Floor  
Coral Gables, FL 33134  
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**From:** Russo Laura [mailto:laura@laurarussolaw.com]  
**Sent:** Monday, November 16, 2015 10:50 AM  
**To:** Ramos, Miriam  
**Cc:** Russo Laura Esq; Leen, Craig  
**Subject:** Hollub - separation of building sites - Pine Bay Estates - former County property

Good morning Miriam,

Hope all is well this dreary Monday morning. I finally received a copy of the Unity of Title regarding the referenced property. This was the unity that was signed as a result of the request to put a tennis court on the adjoining lot.

You will see that the Unity envisions a release when the “premises are made to conform with the applicable zoning regulations or the use or structure is removed from the premises and there is not further reason to maintain the Unity of Title on the subject premises.” As you saw from the the recent survey the tennis court is gone and Mr. Brockhouse’s letter states that the existing residence conforms with the applicable zoning regulations in the County as well as the City.

Please advise if you need any thing else to assist in your interpretation that there are two valid building sites.

Thank you as always,

Laura

Laura L. Russo, Esq.  
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